

Avi Josefson

From: Karen Dyer [kdyer@BSFLLP.com]
Sent: Tuesday, November 07, 2006 5:44 PM
To: thomas.carroll@cliffordchance.com
Cc: Avi Josefson; Susan.David@CliffordChance.com; Steven Singer



Assented-to Motion
to Extend T...

IRS Circular 230 disclosure:

To ensure compliance with requirements imposed by the IRS, unless we expressly state otherwise, we inform you that any U.S. federal tax advice contained in this communication (including any attachments) is not intended or written to be used, and cannot be used, for the purpose of (i) avoiding penalties under the Internal Revenue Code or (ii) promoting, marketing or recommending to another party any transaction or matter addressed herein.

The information contained in this electronic message is confidential information intended only for the use of the named recipient(s) and may contain information that, among other protections, is the subject of attorney-client privilege, attorney work product or exempt from disclosure under applicable law. If the reader of this electronic message is not the named recipient, or the employee or agent responsible to deliver it to the named recipient, you are hereby notified that any dissemination, distribution, copying or other use of this communication is strictly prohibited and no privilege is waived. If you have received this communication in error, please immediately notify the sender by replying to this electronic message and then deleting this electronic message from your computer.

[v.1]

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

STONINGTON PARTNERS, INC., a Delaware Corporation, STONINGTON CAPITAL APPRECIATION 1994 FUND L.P., a Delaware Partnership and STONINGTON HOLDINGS, L.L.C., a Delaware limited liability company,

Plaintiffs,

v.

DEXIA, S.A. and DEXIA BANK BELGIUM (formerly known as ARTESIA BANKING CORP., SA),

Defendants.

Civil Action No.: 04-10411 (PBS)

GARY B. FILLER and LAWRENCE PERLMAN, Trustees of the TRA Rights Trust,

Plaintiffs,

v.

DEXIA, S.A. and DEXIA BANK BELGIUM (formerly known as ARTESIA BANKING CORP., SA),

Defendants.

Civil Action No.: 04-10477 (PBS)

JANET BAKER and JAMES BAKER,
JKBAKER LLC and JMBAKER LLC,

Plaintiffs,

v.

DEXIA, S.A. and DEXIA BANK BELGIUM
(formerly known as ARTESIA BANKING
CORP., SA),

Defendants.

Civil Action No.: 04-10501 (PBS)

**DEFENDANT'S ASSENTED-TO MOTION FOR EXTENSION OF TIME TO ANSWER
TRANSACTIONAL PLAINTIFFS' FIRST AMENDED COMPLAINTS**

Dexia Bank Belgium ("Dexia") respectfully moves this Court to grant an extension of time in which to file an answer to the First Amended Complaints ("FACs") filed by plaintiffs ("Transactional Plaintiffs") in the above-captioned actions. In support of this Motion, Dexia states as follows:

1. On October 13, 2006, the Court granted the Transactional Plaintiffs leave to file FACs.
2. Transactional Plaintiffs' FACs have been served on Dexia and filed in each of the above-captioned actions.
3. On November 1, 2006, the Transactional Plaintiffs assented to this motion to extend the time in which to answer the FACs to December 1, 2006, subject to Dexia's agreement that it will (a) answer the FACs on or before December 1, 2006, (b) not move against the FACs under Federal Rule of Civil Procedure 12 on any basis other than on grounds of subject matter or personal jurisdiction, and (c) not make any such motion on grounds of subject matter or personal

jurisdiction, to the extent that Dexia has retained the right to make such motion, prior to January 2, 2007.

Wherefore, Dexia respectfully requests that this Court enter an order in each of the above-captioned actions granting Dexia an extension of time to answer the FACs to December 1, 2006.

Dated: November 3, 2006

Respectfully submitted,

MINTZ LEVIN COHN FERRIS
GLOVSKY & POPEO

By: /S/ Breton Leone-Quick
Peter M. Saparoff (BBO#441740)
Breton Leone-Quick (BBO#655571)

One Financial Center
Boston, MA 02111
Tel: (617) 542-6000
Fax: (617) 542-2241

James B. Weidner
Thomas Teige Carroll

CLIFFORD CHANCE US LLP
31 West 52nd Street
New York, NY 10019-6131
Tel: (212) 878-8000
Fax: (212) 878-8375

Counsel for Dexia Bank Belgium

Certification

The above-signed counsel hereby certifies that, pursuant to Local Rule 7.1(A)(2), counsel for the parties have conferred and in good faith negotiated the issues within this motion. Counsel for Plaintiffs has assented to the granting of this motion.

CERTIFICATE OF SERVICE

I hereby certify that this document will be filed through the ECF system, which filing will constitute service of the document upon all registered ECF users as identified on the Notice of Electronic Filing (NEF). A paper copy of this document has been mailed in accordance with Fed. R. Civ. P. 5(b) to all those case participants not identified on the NEF as electronic recipients.

/S/ Breton Leone-Quick

Dated: November 3, 2006